

NO. X06-UWY-CV-18-6046436 S :	SUPERIOR COURT
ERICA LAFFERTY, ET AL :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	JULY 12, 2022
NO. X06-UWY-CV-18-6046437 S :	SUPERIOR COURT
WILLIAM SHERLACH :	COMPLEX LITIGATION DOCKET
V. :	AT WATERBURY
ALEX EMRIC JONES, ET AL :	JULY 12, 2022
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**JONES DEFENDANTS' MOTION IN LIMINE REGARDING THE ADMISSIBILITY OF  
THE COURT'S RULING ENTERING DISCIPLINARY DEFAULT (DKT. 579.00)**

Pursuant to Practice Book § 15-3, the Jones Defendants – Alex Emric Jones and Free Speech Systems, LLC – move the Court to rule that the transcript of its ruling entering a disciplinary default against the Jones Defendants (Dkt. 579.00) is admissible for purposes of trial.

The Jones Defendants were found liable by way of a disciplinary default because the Court concluded that they failed to comply with discovery obligations. The law still requires the Plaintiffs to prove that they are entitled to substantial damages. Thus, the Jones Defendants seek to introduce the Court's ruling holding the Jones Defendants in disciplinary default to ensure that jurors know that the liability finding was disciplinary in nature, and not a result of any finding as to the underlying merits of the claims against Mr. Jones.

## **RELEVANT FACTUAL BACKGROUND**

The Court is very familiar with the history and nature of this case. Thus, Mr. Jones only recites facts necessary to the consideration of this motion.

On May 23, 2018, the Plaintiffs brought the above-captioned actions against Alex Jones and various of his companies, claiming, among other things, that he had defamed them and intentionally inflicted emotional distress on them by raising questions about whether the Sandy Hook School massacre took place. After more than three years of litigation, the Court entered a disciplinary default against Mr. Jones and his companies for failing to comply with certain discovery obligations. Dkt. 579.00.

Various developments in the course of the litigation have reduced the remaining defendants to Mr. Jones and Free Speech Systems, LLC. The parties and the Court will proceed to a hearing in damages in a proceeding anticipated to last from August 1, 2022 to the second week of October 2022.

It does not take any stretch of the imagination to recognize that holding a fair trial will require a degree of caution in the proceedings. The Sandy Hook School massacre captured the sympathy and grief of the United States and Connecticut in particular, and it remains the most potent tragedy in state history. Thus, even though almost ten years have passed since the massacre, stories related to the Newtown school system still capture national sympathy and attention. For example, an otherwise unremarkable state high school football championship win by Newtown High School garnered national news coverage not just by major sports media organizations but by national news organizations because it occurred on the anniversary of the Sandy Hook School massacre.<sup>1</sup>

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<sup>1</sup> See, e.g., <https://www.nbcnews.com/news/us-news/newtown-football-team-wins-state-championship-exactly-7-years-after-n1102466>

Recognizing the strong emotional component invoked by the nature of the tragedy and the politically charged issues in this case, the Court has reserved a full month for jury selection.

### **ARGUMENT**

The general purpose of a motion in limine in Connecticut courts has been to invoke a trial court's inherent discretionary powers to, among other things, "prevent occurrences that might unnecessarily prejudice the right of any party to a fair trial." *Connecticut Light & Power Co. v. Gilmore*, 289 Conn. 88, 127-28 (2008). Mr. Jones seeks to present the trial court's ruling holding the Jones Defendants in disciplinary default as evidence as to why he was found liable to the Plaintiffs and how much consideration the jury should give to that finding at the hearing in damages.

Any analysis of the admissibility of evidence must start with its relevance. *Higgins v. Karp*, 243 Conn. 495, 504 (1998) ("[E]vidence is admissible only if it is relevant").

Relevant evidence is evidence that has a logical tendency to aid the trier in the determination of an issue.... One fact is relevant to another if in the common course of events the existence of one, alone or with other facts, renders the existence of the other either more certain or more probable.... Evidence is irrelevant or too remote if there is such a want of open and visible connection between the evidentiary and principal facts that, all things considered, the former is not worthy or safe to be admitted in the proof of the latter.... The proffering party bears the burden of establishing [relevance].

*State v. Davis*, 298 Conn. 1, 23 (2010) (internal citations and quotations marks omitted).

No precise or universal test of relevancy is possible though, and the question of relevancy must be answered in each case according to the dictates of logic. *Plumb v. Curtis*, 66 Conn. 154, 166 (1895). As such, the substantive law governing the proceeding must guide the relevance inquiry.

The law pertaining to a damages hearing after a disciplinary default is clear. “A default in an action for legal and equitable relief admits the material facts constituting a cause of action.” *Kloter v. Carabetta Enterprises, Inc.*, 186 Conn. 460, 464 (1982). A disciplinary default ordinary entitles a plaintiff “to recover nominal damages.” *Id.* at 464. “The right to further substantial damages remains to be established by the plaintiff at a hearing in damages.” *Id.* at 464.

Thus, the Jones Defendants have the right to contest whether the damages that the Plaintiffs have claimed are actually ones fairly attributable to their conduct or not. In other words, while the Jones Defendants may not challenge the threshold proposition that they have caused damages to the Plaintiffs, the issue of causation is inextricably intertwined with determining the amount of the damages that the Plaintiffs may recover.

The public has not viewed this case as the law views it. To the public, this case is not about liability and damages. It is about whether Mr. Jones and Free Speech Systems, LLC have been found guilty under the rubric of moral outrage. In Connecticut where the horrors of the Sandy Hook tragedy have struck so close to home, the rubric delivers a near-universal outcome: Alex Jones and Free Speech Systems, LLC are guilty and must be punished as much as possible – the law be damned.

Sanctimonious outrage jeopardizes the Jones Defendants’ rights to a fair trial before the proceedings ever get underway. They have been found liable. What does that mean? The authority to write a blank check? The law requires that the answer be no to the latter question. The Court’s ruling properly confines the answer to the former question to its proper parameters: The Jones Defendants have been found liable, the damages start at \$1, and the Plaintiffs bear the burden of proving more substantial damages.

Permitting the Jones Defendants to present the Court's ruling to the jury prejudices no one. In fact, it ensures a trial that conforms to the fundamental guarantees of fairness required by the federal and state constitutions by eliminating the jury's natural inclination to think that the Jones Defendants must be punished because the Court has found them liable. Admitting the Court's ruling starts the trial where it should be – on the level playing field that the law establishes. Preventing the Jones Defendants from introducing the Court's ruling invites the inevitable jury conclusion that the Jones Defendants must have committed a horrible wrong that requires the award of substantial damages without holding the Plaintiffs to their proof.

### **CONCLUSION**

Fundamental fairness requires informing the jury – through actual evidence – why the Jones Defendants were held in default. Anything short of that would create a show trial where innuendo, guesswork, and prejudice would rule the day. The Jones Defendants seek to avoid a farcical trial by introducing the Court's ruling into evidence, which enable them to quickly and efficiently show the jury why they should not attach more weight than the law requires them to attach to the Court's ruling.

The Court's ruling is relevant, and its admission prejudices no one. Its exclusion invites a mockery of justice.

Respectfully Submitted,

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Free Speech Systems, LLC;

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**ORDER**

The foregoing motion is hereby:

**GRANTED / DENIED**

By: \_\_\_\_\_  
The Court

## **CERTIFICATION**

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and pro se appearances as follows:

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